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Jeff S. Jordan
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463
Via e-mail (cela@fec.gov)

May 18, 2018

Re: **MUR 7352**
Regina Glocker

Dear Mr. Jordan:

We write as counsel to Regina Glocker ("Respondent" or "Ms. Glocker"), in response to the complaint filed by Deborah Coughlin on March 27, 2018 (the "Complaint"). The Complaint falsely alleges that Respondent's former employer – Hedley May – provided an impermissible corporate contribution to Sen. Kristen Gillibrand and her political committee Gillibrand for Senate (collectively, the "Gillibrand Campaign") through the actions of Ms. Glocker. This allegation is patently false and is based on nothing more than mere speculation.

The Commission may find "reason to believe" only if a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of the Act. Moreover, unwarranted legal conclusions from asserted facts or mere speculation will not be accepted as true, and provide no independent basis for investigation. Here, the Complaint presents no evidence to support the allegation that Ms. Glocker provided services through Hedley May that constitute an impermissible corporate contribution. Indeed, there is no such evidence because the allegation is false. The Commission should therefore find no reason to believe that Ms. Glocker violated the Act, and should dismiss the matter immediately.

I. FACTUAL BACKGROUND

Ms. Glocker is an individual who has no formal affiliation with the Gillibrand Campaign. Ms. Glocker is not (and has never been) an employee, consultant or agent of the Gillibrand Campaign. Ms. Glocker and Sen. Gillibrand have a social friendship that dates to their time together in college. Ms. Glocker is a donor to the Gillibrand Campaign and has been involved in fundraising events for the Gillibrand Campaign.

From March 2017 through March 2018, Ms. Glocker was a partner of Hedley May, an executive search firm. As of March 2018, Ms. Glocker ended her employment relationship with Hedley May. Ms. Glocker is currently a partner of Ridgeway Partners, 60 East 42nd Street, New York,

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NY Suite 2112 10165 – also an executive search firm.

Senator Kirsten Gillibrand is a U.S. Senator from New York. She is running for re-election this year. Gillibrand for Senate is Senator Gillibrand's principal campaign committee.

The Complaint alleges – based on the unsourced reporting of a “Page Six” article in the New York Post – that Ms. Glocker used corporate resources of Hedley May to conduct opposition research regarding Ms. Farley on behalf of Senator Gillibrand. There is no basis for this allegation.

II. LEGAL ANALYSIS

Contrary to the allegations in the Complaint, Ms. Glocker has not been a party to providing any impermissible corporate contributions. Under Commission regulations, “[a] gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office is a contribution.” 11. C.F.R. § 100.52(a). In addition, the “provision of any goods or services without charge or at a charge that is less than the usual and normal charge for such goods and services” is an in-kind contribution. *Id.* § 100.52(d)(1).

The Complaint alleges that Ms. Glocker's former firm – Hedley May - provided an impermissible in-kind corporate contribution to the Gillibrand Campaign, through Ms. Glocker, in the form of opposition research. The Complaint also appears to allege that Ms. Glocker was somehow acting on behalf of Senator Gillibrand or her campaign when she was allegedly gathering opposition research related to Senator Gillibrand's opponent, Ms. Farley. Both of these allegations are meritless.

First, Ms. Glocker was not engaged to conduct – and did not conduct – any opposition research for the Gillibrand Campaign or any other entity. And Ms. Glocker did not provide any opposition research to the Gillibrand Campaign.

Second, even if Ms. Glocker or Hedley May were somehow deemed to have engaged in conducting opposition research related to an opponent of Senator Gillibrand's – recognizing that the Complaint does not set forth any facts sufficient to support this allegation – Ms. Glocker's actions were on her own and not as an agent or on behalf of either (a) Hedley May or (b) the Gillibrand Campaign. Ms. Glocker is a donor to Senator Gillibrand's campaign; she is not a consultant, employee, or agent of the campaign. Ms. Glocker never received any request or instruction from Hedley May to undertake any action with regard to the Gillibrand Campaign. She has not provided any services to the Gillibrand Campaign – paid or unpaid – at any time. Accordingly, even if Ms. Glocker received information related to an opponent of Senator Gillibrand's that could be considered opposition research, she did so on her own and not as an agent of either (a) Hedley May or (b) the Gillibrand Campaign. And, as stated above, Ms. Glocker did not provide any such opposition research to the Gillibrand Campaign, let alone on

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behalf of Hedley May. The Complaint's allegations to the contrary are based on mere, uninformed speculation that has no basis in fact, and they should be dismissed.

III. CONCLUSION

Because the Complaint has not alleged facts that provide a sufficient basis for the Commission to find "reason to believe" that the Act or Commission regulations have been violated, the Commission must reject the Complaint's request for an investigation. It should instead dismiss the Complaint and close the file.

Respectfully submitted,

/s Mitchell Epner

Mitchell Epner